



John J. Cullerton

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09300SB2337sam001

LRB093 16091 RLC 47345 a

1 AMENDMENT TO SENATE BILL 2337

2 AMENDMENT NO. _____. Amend Senate Bill 2337 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by
5 changing Section 16-20 as follows:

6 (720 ILCS 5/16-20)
7 Sec. 16-20. Criminal penalties.

8 (a) Except for violations of Section 16-19 as provided for
9 in subsection (b) or (c) of this Section, a person who violates
10 Section 16-19 is guilty of a Class A misdemeanor.

11 (b) An offense under Section 16-19 is a Class 4 felony if:
12 (1) the defendant has been convicted previously under
13 Section 16-19 or convicted of any similar crime in this or
14 any federal or other state jurisdiction; or

15 (2) the violation of Section 16-19 involves at least
16 10, but not more than 50, unlawful communication or access
17 devices; ~~or~~

18 (3) a person engages in conduct identified in
19 subdivision (3) of Section 16-19 for the purpose of, and
20 with the intention of, substantially disrupting and
21 impairing the ability of a communication service provider
22 to deliver communication services to its lawful customers
23 or subscribers.

24 (c) An offense under Section 16-19 is a Class 3 felony if:

1 (1) the defendant has been convicted previously on 2 or
2 more occasions for offenses under Section 16-19 or for any
3 similar crime in this or any federal or other state
4 jurisdiction; or

5 (2) the violation of Section 16-19 involves more than
6 50 unlawful communication or access devices.

7 (d) For purposes of grading an offense based upon a prior
8 conviction under Section 16-19 or for any similar crime under
9 subdivisions (b)(1) and (c)(1) of this Section, a prior
10 conviction shall consist of convictions upon separate
11 indictments or criminal complaints for offenses under Section
12 16-19 or any similar crime in this or any federal or other
13 state jurisdiction.

14 (e) As provided for in subdivisions (b)(1) and (c)(1) of
15 this Section, in grading an offense under Section 16-19 based
16 upon a prior conviction, the term "any similar crime" shall
17 include, but not be limited to, offenses involving theft of
18 service or fraud, including violations of the Cable
19 Communications Policy Act of 1984 (Public Law 98-549, 98 Stat.
20 2779).

21 (f) Separate offenses. For purposes of all criminal
22 penalties or fines established for violations of Section 16-19,
23 the prohibited activity established in Section 16-19 as it
24 applies to each unlawful communication or access device shall
25 be deemed a separate offense.

26 (g) Fines. For purposes of imposing fines upon conviction
27 of a defendant for an offense under Section 16-19, all fines
28 shall be imposed in accordance with Article 9 of Chapter V of
29 the Unified Code of Corrections.

30 (h) Restitution. The court shall, in addition to any other
31 sentence authorized by law, sentence a person convicted of
32 violating Section 16-19 to make restitution in the manner
33 provided in Article 5 of Chapter V of the Unified Code of
34 Corrections.

1 (i) Forfeiture of unlawful communication or access
2 devices. Upon conviction of a defendant under Section 16-19,
3 the court may, in addition to any other sentence authorized by
4 law, direct that the defendant forfeit any unlawful
5 communication or access devices in the defendant's possession
6 or control which were involved in the violation for which the
7 defendant was convicted.

8 (j) Venue. An offense under Section 16-19 may be deemed to
9 have been committed at either the place where the defendant
10 manufactured or assembled an unlawful communication or access
11 device, or assisted others in doing so, or the place where the
12 unlawful communication or access device was sold or delivered
13 to a purchaser or recipient. It is not a defense to a violation
14 of Section 16-19 that some of the acts constituting the offense
15 occurred outside of the State of Illinois.

16 (Source: P.A. 92-728, eff. 1-1-03.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law."